

REMARKS

On pages 2-3 of the Notice of Allowability, under "Allowable Subject Matter" ("the Statement", hereinafter), the Examiner stated:

Walberg, see Figs. 2-4, discloses a method of starting up disk drive spindle motors in an array system having disk drives organized into groups which are started up separately so as to reduce the amount of electric current required by the array disk system, said method comprising: supplying current to start up a said spindle motor, and then supplying current to additionally start up one or more of said spindle motors other than said first group said spindle motors started up initially (see Fig. 1, col. 1, lines 1 1-30, col. 3, lines 1-9, col. 5, lines 10-2 1). However Walberg does not disclose a step of supplying current to start up a group of spindle motors, which is being more than one spindle motor.

The admitted art discloses the group of motors in the array disks system (see Fig. 3 and [0007]-[0009]).

The combination of Walberg and the admitted art, discloses a method of starting up disk drive spindle motors in an array disk system as claimed in claim 56, wherein said supplying steps are performed such that a spindle motor in start-up is supplied with a start-up current, and a spindle motor at steady-state is supplied with a steady-state current that is lower than said start-up current (see Figs. 1-2, abstract, cols. 3-4).

The combination of Walberg and the admitted art, discloses a method of starting up disk drive spindle motors in an array disk system as claimed in claim 56, wherein the time between power switch-on of the overall array disk system and start of driving the spindle motors is set independently for each of the groups of the disk drives so as to prevent overlap of the initial current among the groups (see Walberg Fig. 1, col. 1).

Walberg and the admitted art disclose a method of starting up disk drive spindle motors in an array disk system as claimed in claim 61, wherein after the start-up of the first group of spindle motors. (emphasis added)

The Applicants thank the Examiner for the indication of allowable subject matter and for issuing the Notice of Allowance and Notice of Allowability on December 7, 2006. However, the Applicants have filed this Request for Continued Examination in order to clarify the subject matter agreed to be allowable.

In particular, the Applicants hope to avoid any possibility that the indication of allowable subject matter might be interpreted to unduly limit the invention.

Specifically, the portion of the Statement reproduced above seems to incorporate language of a prior Office Action (see pages 2-4 of the May 10, 2006 Office Action, with portions removed in cut-and-paste fashion) to reiterate a previous ground for rejection that is now moot in view of the allowed claims. Further, as indicated by the underlined sections above, the Statement inaccurately suggests that allowed claims 56 and 61 (derived from claim 56) are not patentably distinguishable from the combination of Walberg and the admitted prior art.

Thus, while it appears that the Examiner may be asserting that certain limitations of the allowed claims do not support a patent by themselves, it is axiomatic in U.S. patent law that the patentability of each individual claim is based on the patentability of all of the limitations of that claim in combination. Moreover, it is inapposite to consider the patentability of limitations of a dependent claim separately from the (patentable) limitations of the independent claim and any intervening claim from which the dependent claim is derived.

Indeed, the Applicants respectfully submit that a more fair indication of the allowable subject matter would be as follows:

Walberg does not disclose a step of supplying current to start up a group of more than one spindle motor. The admitted art discloses a group of motors in an array disk system (see Fig. 3 and [0007]-[0009]). However, the combination of Walberg and the admitted art does not disclose a method of starting up disk drive spindle motors in an array disk system having all of the limitations of claim 56, in combination as claimed. Further, the combination of Walberg and the admitted art does not disclose the limitations of dependent claims 57 and 60-62, in combination with the limitations of claim 56.


The combination of Walberg and the admitted prior art also does not disclose an array disk system having the combination of limitations set forth in independent claim 58, or the limitations of dependent claims 59 and 63-65 in combination with the limitations of claim 58.

The Applicants therefore request a restated Statement of Allowable Subject Matter that is limited to the combinations which are found to be free of the prior art, with no implication that any specific limitation or limitations are in any way "unpatentable" without consideration of the claims as combinations.

Please telephone the Applicants' representative at the number below if the above request is not considered acceptable. The Applicants would like an interview prior to the mailing of any Official Action to the contrary.

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.



Daniel J. Stanger
Registration No. 32,846

DJS/sdb
(703) 684-1120